

Personal and Organizational Conflicts of Interest
TDOT Policy 101-05

WHO IS COVERED BY THE POLICY?

-TDOT Employees and Contractors/Subcontractors **who perform Contract and Grant Administration and Procurement Functions**

- The covered functions include:
- PROCUREMENT FUNCTIONS
 - developing: scope of services, invitations to bid, RFPs, etc.
 - evaluating contract proposals; negotiating or awarding contracts
- CONTRACT ADMINISTRATION FUNCTIONS
 - overseeing the contracts, making decisions about the contract itself
 - examples: making changes to the contract performance or quantities, accepting/rejecting the contract products or services, deciding to renew or terminate, approving payments, evaluating the contract performance, determining whether costs are reasonable/allowable
- GRANT PROGRAM FUNCTIONS
 - Same as procurement and contract administration functions, but for grants
 - developing grant RFPs, evaluation criteria, awarding a grant deciding whether to terminate or extend, determining whether grant reimbursements are reasonable/allowable
- REGULATORY FUNCTIONS
 - providing recommendations on promulgated TDOT rules

WHEN DOES THE POLICY KICK IN?

-Does the covered contractor, subcontractor, or TDOT employee have a financial interest in the outcome of his/her performance, and will the conflicting roles influence his or her judgment?

-Does TDOT employee (or their family) have a personal relationship with or financial interest in any interested party whose interests may be affected by the employee's performance (or non-performance) of the above contract and grant administration and procurement functions?

- can't solicit any gift, reward, or promise of reward in exchange for recommending/influencing/attempting to influence the contracting process

WHAT PROCEDURES ARE REQUIRED BY THE POLICY?

-For TDOT Employees: fill out the disclosure form, Appendix #2 of the Policy

-For Contractors:

- include the Organizational Conflict of Interest language (Appendix #4) in the Contract (AND the contractors must also include this language in any Subcontract)
- have contractors AND subs fill out the disclosure form, Appendix #3

-If anyone learns about a conflict: alert Director, who shall submit a plan to address the conflict (Paragraph 7 of the Policy); the plan may include not selecting the consultant or terminating the contract.

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